

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LS POWER MIDCONTINENT, LLC, and SOUTHWEST TRANSMISSION, LLC,)	CASE NO. CVCV060840
Plaintiffs,)	
vs.)	
THE STATE OF IOWA, IOWA UTILITIES BOARD, GERI D. HUSER, GLEN DICKINSON and LESLIE HICKEY,)	
Defendants,)	
MIDAMERICA ENERGY COMPANY and ITC MIDWEST LLC,)	PLAINTIFFS' MOTION FOR LEAVE TO AMEND PETITION
Intervenors.)	

Plaintiffs LS Power Midcontinent, LLC, and Southwest Transmission, LLC, by and through the undersigned, hereby move for leave to amend their Petition and state as follows:

1. Plaintiffs filed their Petition against Defendants on October 14, 2020, seeking declaratory and injunctive relief.

2. Under Iowa Rule of Civil Procedure 1.402, the court may grant leave to allow a party to amend its pleading. Under Rule 1.402, “Leave to amend, including leave to amend to conform to the proof, shall be freely given when justice so requires.”

3. On March 25, 2021, the Court dismissed Plaintiffs’ Petition, holding Plaintiffs lacked standing because they allegedly failed to identify specific projects. The Court held there was “no allegation a specific project is planned, when such a project may arise, or that the Plaintiffs have been denied such a project.”

4. In March and April 2021, SPP and MISO identified numerous transmission constraints in Iowa and announced that in April 2021, transmission solutions will be developed to address the Iowa constraints. As stated in Plaintiffs’ contemporaneous Motion for

Reconsideration, Enlargement or Modification (incorporated by reference herein), Plaintiffs understand these expected transmission solutions are imminent and could be approved as soon as late 2021.

5. As a result of Division XXXIII of H.F. 2643, Plaintiffs will be excluded from the opportunity to compete for any approved projects and their competitive interests will be injured thereby.

6. Because these newly discovered facts addresses the Court's concern regarding justiciability and demonstrate Plaintiffs have standing to bring their claims, justice requires leave be freely given for Plaintiffs to amend their Petition and proceed with their claim on the merits. *See, e.g., Ryan v. Ryan*, 889 F.3d 499, 508-10 (8th Cir. 2018).

7. Plaintiffs have attached their proposed Amended Petition to this Motion.

WHEREFORE, Plaintiffs respectfully request the Court grant Plaintiffs' Motion for Leave to Amend Petition as shown in the attached proposed Amended Petition.

Respectfully submitted,

BELIN McCORMICK, P.C.

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify on April 9, 2021, I electronically filed the foregoing with the Clerk of Court using the Iowa Electronic Document Management System. A copy was also served upon the parties to this action by:

U.S. Mail ✓ Email

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